

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ERIC EDMISTON, a single man, in his
individual capacity and as guardian of A.E.,
and A.E., a minor,

Plaintiffs,

v.

STATE OF WASHINGTON, STATE OF
WASHINGTON DEPARTMENT OF
SOCIAL AND HEALTH SERVICES,
CHILD PROTECTIVE SERVICES, a state
and government and its division and agency,
DIVISION OF CHILDREN AND FAMILY
SERVICES, MAUREEN MARTIN, LARRY
HAYDEN, KAREN KREMKAU,

Defendants.

CASE NO. C07-5379RJB

ORDER GRANTING
MOTION TO STRIKE
PLAINTIFFS' EXPERT
WITNESS MARK GRAY

This matter comes before the court on the above-referenced motion (Dkt. 38).

It appears from the record herein that plaintiffs never timely and fully disclosed Mark Gray as an expert witness. Federal Rule of Civil Procedure 26(a)(2) has never been fully complied with; defendants' motion should be granted, and Mark Gray should not be allowed to testify as an expert witness in accord with Federal Rule of Civil Procedure 37(c)(1).

The parties should note, however, that, as a fact witness Mr. Gray may testify as to history taken, examination made, diagnosis reached, treatment provided, and his prognosis made, provided that his testimony is within the expertise and limitations of his profession, and provided that any opinions were reached during the course of, and as a part of, his treatment.

